



Effective Date of the 90-Day Storage (Accumulation) Requirement

Technical Information Memorandum

TIM 82-5 (Revised 7/00)

This Technical Information Memorandum (TIM) clarifies the storage time requirements of WAC 173-303-200 and -201 (federal equivalent 40 CFR 262.34) often referred to as the “90-day storage limit/requirement.” Although the storage time limit for 220-2,200 pound generators is 180 days, this TIM will clarify issues related to the start of either the 90-day or the 180-day storage time requirement. This TIM supersedes TIM 82-5: *Effective Date of 90-Day Storage Requirement* dated August 2, 1982, and applies to all generators subject to the above referenced state regulations.

Problem Statement

Designating an “unknown” waste may take half the 90-day period allowed for a generator to store the waste without a permit. The designation process depends on one or a combination of the following:

1. Applied knowledge of the processes used to generate the waste or of the dangerous (hazardous) characteristics and criteria of the waste, and/or
2. Having samples tested for such characteristics and criteria.

Determining whether an “unknown” waste stream designates as a dangerous waste often relies solely on the test results. For determining the dangerous waste status of an unknown waste, when does the 90-day on-site storage period begin? Does it start the moment the unknown waste is generated, at the time an “orphan” drum is discovered, or as soon as the generator receives the analytical results showing that the material is dangerous waste? When must the generator begin the sampling and testing procedures for the purpose of designating the unknown waste?

How must the “unknown” waste be managed during the interim when the generator is waiting for analytical results?

Problem Resolution

90-Day Storage Time

For an “unknown” waste the 90-day storage time limit begins as soon as the generator receives the test results indicating that the material designates as a dangerous waste. For the purpose of this TIM, an “unknown” waste is defined as, and limited to, those wastes the generator truly cannot designate without lab analysis. Specifically, when the generator has no knowledge of the process which produced the waste or of the constituents, characteristics, and criteria of the waste.

When managing a designated, “known” dangerous waste, the 90-day storage time limit begins:

1. When the waste is first generated,
 2. When the waste first becomes subject to the *Dangerous Waste Regulations* as a dangerous waste.
- NOTE: there are many exempt wastes or wastes managed under less stringent regulations that may for some reason later become fully regulated as a dangerous waste, or*
3. When the waste is removed from satellite accumulation and begins its storage at a generator’s 90/180 day storage (accumulation) area.

Sampling and Testing Procedures

A generator must immediately begin procedures to sample and test an “unknown” waste(s) to determine its dangerous waste status. For the purpose of this TIM, the term immediately is defined as, and limited to, within 24 hours after discovering the unknown waste. The generator must act in a diligent manner to acquire the necessary lab analyses.

Interim Management Requirements

Ecology will accept the following management activities related to unknown wastes during the interim period where the generator is waiting for analytical test results.

1. All unknown waste must be stored in the generator’s established “90-day” storage (accumulation) area.
2. Storing “unknowns” as satellite accumulation is not acceptable.
3. While being stored, each container and tank is labeled with the date of sampling and the words, “Waste Pending Analysis.”

The generator is to keep the above information, as well as the following, in a log book on-site:

1. Date of discovery,
2. Date samples were shipped to a testing facility, and
3. Testing facility information – name, address, and phone number.

The intent of this TIM is for the generator to manage the “unknown” waste as if it were a dangerous waste. If the conditions of this TIM are met, the advantage to the generator is that the “unknown” waste is not counted toward the generator’s monthly generation rate, the generator can avoid TSD permitting requirements, and the 90/180 day storage (accumulation) time limit does not begin until the unknown waste is identified as a dangerous waste.

For More Information

The Department of Ecology wants to help you understand and comply with the law. We’re here to answer your questions. Contact the Hazardous Waste and Toxics Reduction Program in your region for assistance. Ask for a Hazardous Waste Specialist to receive a copy of the regulations or if you are uncertain about your responsibilities as a hazardous waste generator.

Additional Phone Numbers:

Olympia Headquarters: (360) 407-6000

Hazardous Waste and

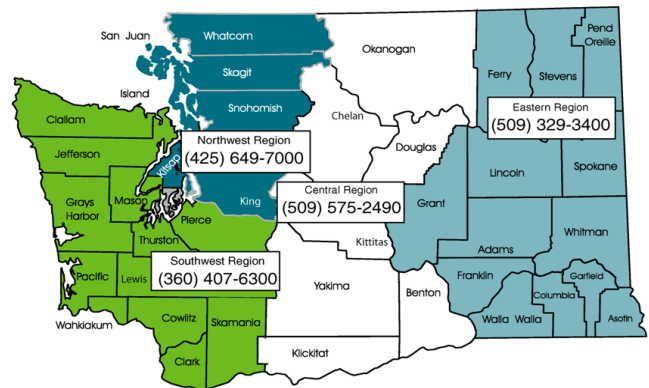
Toxics Reduction Program (360) 407-6700

Industrial Section (360) 407-6916

Nuclear and Mixed Waste (360) 407-7100

Department of Ecology Regions

<http://www.ecy.wa.gov/programs/hwtr>



If you need this document in a format for the visually impaired, call the Hazardous Waste and Toxics Reduction Program at 360-407-6700. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.